

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:24-cv-198-FDW**

MICHAEL LAMAR GAINES,

Plaintiff,

vs.

**IREDELL COUNTY SHERIFF'S
DEPARTMENT,**

Defendant.

ORDER

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Iredell County Detention Center (“ICDC”). [Doc. 1]. He names as the sole Defendant the Iredell County Sheriff’s Department (“ICSD”). His allegations address a traffic stop on February 6, 2023 by an unnamed ICSD deputy that resulted in criminal charges to which he pleaded guilty, and for which he received the ineffective assistance of counsel.¹ He seeks a Franks hearing, the dismissal of all criminal charges, and any other applicable relief.² [Id. at 3].

At the commencement of this action, the Plaintiff was instructed that he must keep the Court apprised of his current address at all times by promptly filing a “Notice of Change of Address” with the Court, and that the failure to do so may result in this case’s dismissal for lack of prosecution. [See Standing Order of Instructions].

¹ This appears to refer to Case No. 5:23-cv-41-KDB-DCK in which the Plaintiff pleaded guilty to possession of a firearm by a convicted felon and possession with intent to distribute methamphetamine, for which he was sentenced to 240 months’ imprisonment on August 28, 2024.

² The Clerk will be instructed to mail the Plaintiff a blank § 2255 form in an abundance of caution, as it appears that he may be seeking to challenge this criminal Judgment. The Court makes no determinations regarding the potential merit or procedural viability of such an action.

On January 6, 2025, mail that was addressed to the Plaintiff at his address of record at the ICDC was returned as undeliverable, stating “Return to Sender; Not at this Institution” and “Unable to Forward.” [Doc. 7]. The Plaintiff has not informed the Court of his change of address as required by the Order of Instructions.³

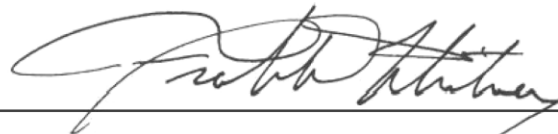
It appears that Plaintiff may have abandoned this action. Plaintiff shall, within fourteen (14) days of this Order, update his address of record and inform the Court whether he intends to proceed with this action. Failure to comply with this Order will result in dismissal of this action without prejudice and this case’s closure without further notice.

IT IS, THEREFORE, ORDERED that the Plaintiff **shall have fourteen (14) days from the date of this Order** in which to update his address of record and inform the Court whether he intends to proceed with this action. If Plaintiff fails to do so, this case will be dismissed without prejudice and closed without further notice.

The Clerk is respectfully instructed to mail the Plaintiff a blank § 2255 form and a copy of this Order at his address of record and to: Michael Lamar Gaines, #81509-510, Pike County Detention Center, 172 Division Street, Pikesville, KY 41501.

IT IS SO ORDERED.

Signed: January 13, 2025



Frank D. Whitney
Senior United States District Judge



³ The Court takes notice that the Fourth Circuit’s docket indicates that Plaintiff is located at the Pike County Detention Center in Pikesville, Kentucky. [See 4th Cir. Case. No. 24-4464, Doc. 19 at 2]; Fed. R. Ev. 201.